

Court of Appeals, State of Michigan

ORDER

Michelle L Richards v Boyne USA Inc

Docket No. 351601

LC No. 18-052426-NO

Michael F. Gadola
Presiding Judge

Patrick M. Meter

Michael J. Kelly
Judges

The motion to file a late answer is GRANTED and the answer is accepted.

Pursuant to MCR 7.205(E)(2), we VACATE IN PART the circuit court's summary disposition order, regarding the gross negligence claims only (Counts II and IV of plaintiff/counter-defendant's first amended complaint). The record indicates that the circuit court applied an incorrect legal standard to the gross negligence claims, by referencing the legal standard applicable to willful and wanton misconduct.

We REMAND the gross negligence claims to the circuit court for resolution of those claims on the existing summary disposition record. The circuit court shall apply the legal standard for gross negligence stated in *Xu v Gay*, 257 Mich App 263, 269; 668 NW2d 166 (2003).

In all other respects, the application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review.

We do not retain jurisdiction.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

April 23, 2020

Date


Chief Clerk